

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH

WILLIAM WAKEFIELD,	)	Case No.:
	)	
Plaintiff,	)	COMPLAINT FOR PERSONAL INJURY
	)	(NON-AUTO)
vs.	)	
	)	NOT SUBJECT TO MANDATORY
DAIMLER TRUCK NORTH AMERICA	)	ARBITRATION
LLC, a Delaware corporation,	)	
	)	JURY TRIAL DEMANDED
Defendant.	)	
	)	PRAYER: \$1,559,000
	)	ORS 21.160(1)(c)

Plaintiff demands a jury trial and alleges:

1.

At all times mentioned herein, defendant Daimler Truck of North America LLC (hereinafter "Daimler Truck") conducted regular, sustained business activity in Multnomah County and had its principal place of business in Multnomah County. The Freightliner Cascadia described herein was manufactured by defendant Daimler Truck with VIN 3AKJGLBG7HSHB0031.

2.

On or about July 10, 2020, plaintiff William Wakefield was a delivery person driving a Freightliner Cascadia for his job. As he was getting out of his vehicle, he slipped in a step that was unexpectedly covered by a flap of metal

1 that was designed to be held up above the step by magnets. The flap is  
2 commonly known as a filler flap or fuel tank flap.

3 3.

4 As a result of slipping, he suffered substantial injuries as set forward in  
5 paragraph 5 below.

6 FOR A FIRST CLAIM FOR RELIEF of negligence, plaintiff alleges:

7 4.

8 The above-described accident and all injuries alleged herein were caused  
9 by the negligence of defendant or its employees, agents, or apparent agents in  
10 one or more of the following particulars:

- 11 (a) In designing a flap with a design inadequate to ensure the flap did  
12 not fall on the step and create a hazard;
- 13 (b) In failing to adequately field test the above-described fairing flap  
14 under foreseeable uses prior to putting it into production;
- 15 (c) In failing to recall and replace the fairing flap;
- 16 (d) In employing a magnetic bond with insufficient reliability to keep  
17 the flap closed.

18 5.

19 As a direct result of the above-described negligence, plaintiff suffered  
20 injuries to his head, neck, upper back, shoulders (requiring surgery), left wrist,  
21 mid back, low back, right hip, pelvis, sacroiliac joint; wrenching, stretching,  
22 twisting, and tearing of the soft tissues about the spine, including his neck and  
23 back, may have aggravated pre-existing asymptomatic degeneration of the

1 spine; plaintiff suffered, continues to suffer, and may permanently suffer from  
2 pain, discomfort and interference with ordinary activities, all to plaintiff's  
3 noneconomic damages not to exceed \$1,500,000. This number may change,  
4 depending on whether plaintiff's condition resolves, persists, or worsens.

5 6.

6 As a further result of the above-described accident and injury, the  
7 plaintiff has incurred medical expenses in the amount of approximately  
8 \$59,000. Plaintiff continues to treat for his injuries and agrees to amend  
9 additional medical expenses if needed.

10 7.

11 As a further result of the above-described accident and injury, the  
12 plaintiff has incurred wage loss in in an amount to be determined prior to trial.

13 FOR A SECOND CLAIM OF RELIEF of products liability, plaintiff alleges:

14 8.

15 Plaintiff realleges paragraphs 1-3 and 5-7 above.

16 9.

17 On or about 2017, defendant Daimler Truck manufactured the above  
18 Freightliner Cascadia. The vehicle was expected to and did reach the use and  
19 was used herein without substantial change in the condition in which it was  
20 sold.

21 / / /

22 / / /

23 / / /

10.

The Freightliner Cascadia manufactured by defendant Daimler Truck was unreasonably dangerous and defective in one or more of the following particulars:

- (a) In designing a flap with a design inadequate to ensure the flap did not fall on the step and create a hazard;
- (b) In employing a magnetic bond with insufficient reliability to keep the flap closed.

WHEREFORE, plaintiff prays for judgment against defendant in the amount of \$1,500,000 in noneconomic damages, \$59,000 in economic damages, and for plaintiff's costs and disbursements necessarily incurred herein.

Dated: July 6, 2022

/s/ Mark McDougal  
Mark McDougal OSB #890869  
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Attorneys for Plaintiff

**AFFIDAVIT OF SERVICE**

State of Oregon

County of Multnomah

Circuit Court

Case Number: 22CV22298

Plaintiff: **WILLIAM WAKEFIELD**

vs.

Defendant: **DAIMLER TRUCK NORTH AMERICA, LLC**

For:

Kafoury McDougal

411 S.W. 2nd Ave

Ste. 200

Portland, OR 97204

Received by Barrister Support Service on the 14th day of July, 2022 at 4:23 pm to be served on **DAIMLER TRUCK NORTH AMERICA, LLC R/A: CT CORPORATION SYSTEM, 780 COMMERCIAL ST SE, STE 100, SALEM, OR 97301.**

I, Bobby Chandler, being duly sworn, depose and say that on the **15th day of July, 2022** at **1:33 pm**, I:

SERVED the within named **DAIMLER TRUCK NORTH AMERICA, LLC** at **780 COMMERCIAL ST SE, STE 100, SALEM, OR 97301** by personally serving a true copy of the **SUMMONS AND COMPLAINT** upon **EDEN TITUS**, who is a clerk on duty in the office of the Registered Agent and who is authorized to accept service.

**CERTIFICATION OF MAILING:** I certify that on **7/20/2022** a true copy of **SUMMONS AND COMPLAINT** along with a statement regarding the date, time and manner of service was mailed to **DAIMLER TRUCK NORTH AMERICA, LLC R/A: CT CORPORATION SYSTEM** at **780 COMMERCIAL ST SE, STE 100, SALEM, OR 97301** by First Class Mail postage paid.

**Description** of Person Served: Age: 24, Sex: F, Race/Skin Color: CAUCASIAN, Height: 5'7", Weight: 120, Hair: BLONDE, Glasses: N

I declare I am a resident of the State of Oregon. I am a competent person 18 years of age or older and not a party to or attorney in this proceeding. I certify that the person, firm, or corporation served is the identical one named in this action. I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

STATE OF

Oregon

County of

Marion

Subscribed and Sworn to before me on the 20 day of July 2022 by the affiant who is personally known to me or has provided identification.

Olivia A. Lundin  
NOTARY PUBLIC



Bobby Chandler  
Bobby Chandler  
Process Server

Date

7/20/2022

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R/A: CT Corporation System  
780 Commercial St SE SK100  
Salem, Or. 97301



IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH

WILLIAM WAKEFIELD,

Plaintiff,

vs.

DAIMLER TRUCK NORTH  
AMERICA LLC, a Delaware  
corporation,

Defendant.

Case No.: 22CV22298

**SUMMONS**

To: Daimler Truck North America LLC  
c/o CT Corporation System, Registered Agent  
780 Commercial St., Suite 100  
Salem, OR 97301

You are hereby required to appear and defend the complaint filed against you in the above entitled action within thirty (30) days from the date of service of this summons upon you, and in case of your failure to do so, for want thereof, plaintiff(s) will apply to the court for the relief demanded in the complaint.

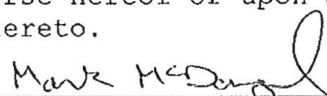
**NOTICE TO DEFENDANT: READ THESE  
PAPERS CAREFULLY!**

You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal paper called a "motion" or "answer." The "motion" or "answer" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the plaintiff's attorney or, if the plaintiff does not have an attorney, proof of service upon the plaintiff. If you have any questions, you should see an attorney immediately. If you need help in finding an attorney, you may contact the Oregon State Bar's Lawyer Referral Service online at [www.oregonstatebar.org](http://www.oregonstatebar.org) or by calling (503) 684-3763 in Portland metropolitan area or toll free elsewhere in Oregon at (800) 453-7636.

  
SIGNATURE OF ATTORNEY/AUTHOR FOR PLAINTIFF

Mark McDougal, OSB #890869  
ATTORNEY'S/AUTHOR'S NAME and BAR NO.  
Kafoury & McDougal  
411 SW 2<sup>nd</sup>. Avenue Ste. 200  
Portland OR 97204 (503) 224-2647

TO THE OFFICER OR OTHER PERSON SERVING THIS SUMMONS: You are hereby directed to serve a true copy of this summons, together with a true copy of the complaint mentioned therein, upon the individual(s) or other legal entity(ies) to whom or which this summons is directed, and to make your proof of service on the reverse hereof or upon a separate similar document which you shall attach hereto.

  
ATTORNEY(S) FOR PLAINTIFF